

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walter H. Günzburg, David Winder and Robert M. Saller

Application No.: 08/999,690

Group Art Unit: 1633

Filed: September 8, 1997

Examiner: D. Clark

Title: Vectors Carrying Therapeutic Genes Encoding Antimicrobial Peptides for Gene Therapy

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Box RCE, Washington, D.C. 20231	
on <u>11-22-00</u>	<u>Jenine Crump</u>
Date	Signature
<u>Jenine Crump</u>	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

Box RCE

Washington, D.C. 20231

Sir:

This Supplemental Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- ☒ Copies of the cited references are enclosed (AV2, AP, AQ, AL2, AM2, AN2 and AO2).
- ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language abstract.

- ☒ Applicant requests that the following pending applications be considered:

Examiner's  
Initials




U.S. Patent Application Serial No.: 08/808,827, filed February 28, 1997, entitled "Non Self-Inactivating, Expression Targeted Retroviral Vectors," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.1001-000 (GSF97-01A)





U.S. Patent Application Serial No.: 08/925,214, filed September 8, 1997, entitled "Novel Recombinant DNA Vectors For Gene Therapy," by Walter H. Günzburg and Brian Salmons;  
Attorney's Docket No.: 2316.1002-000 (GSF97-02A)

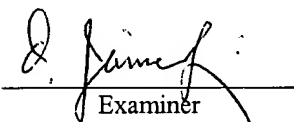


U.S. Patent Application Serial No.: 08/996,460, filed December 23, 1997, entitled "Encapsulated Cells Producing Viral Particles," by Robert M. Saller, *et al.*;  
Attorney's Docket No.: 2316.1005-000 (GSF97-05A)

 U.S. Patent Application Serial No.: 09/035,596, filed March 5, 1998, entitled "The Use of the WAP of MMTV Regulatory Sequences for Targeted Expression of Linked Heterologous Genes in Human Mammary Cells, Including Human Mammary Carcinoma Cells," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.1007-000 (GSF98-01A)

 U.S. Patent Application Serial No.: 09/552,196, filed April 19, 2000, entitled "Packaging Cell Line Producing SIV-Pseudotyped MLV," by Stefano Indraccolo and Fabrizio Mammano;  
Attorney's Docket No.: 2316.2002-000

 U.S. Patent Application Serial No.: 09/610,215, filed July 5, 2000, entitled "Reconstituting Retroviral Vector (ReCon Vector) for Targeted Gene Expression," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.2003-000

  
Examiner

12/19/2000  
Date

A copy of each above-cited application is enclosed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

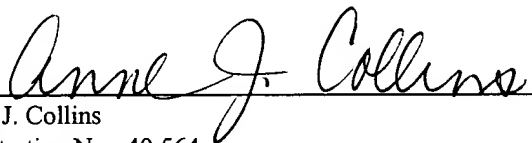
It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying RCE.  
A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[      ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
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Dated: November 22, 2000

PLEMENTAL INFORMATION DISCLOSURE  
CITATION IN AN APPLICATION

(GSF97-03A)

November 22, 2000

APPLICANT

Walter H. Günzl

FILING DATE

September 8, 1997

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLA
	AB				
	AC				
	AD				
	AE				
	AF				
	AG				
	AH				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AP	WO 96/07748	14-MAR-1996	PCT			
	AQ	WO 96/28564	19-SEP-1996	PCT			
	AL2	WO 97/01357	16-JAN-1997	PCT			
	AM2	WO 97/09440	13-MAR-1997	PCT			
	AN2	WO 99/20742	29-APR-1999	PCT			
	AO2	WO 99/35280	15-JUL-1999	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AV2	Couto, M.A., et al., "Inhibition of Intracellular <i>Histoplasma capsulatum</i> Replication by Murine Macrophages That Produce Human Defensin," <i>Infection and Immunity</i> , 62(6): 2375-2378 (June, 1994).
EXAMINER		DATE CONSIDERED

BEST AVAILABLE COPY